

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 03-2072 JB

ANTONIUS MARIA HEIJNEN,

Defendant.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

THIS MATTER comes before the Court on the United States' Motion and Memorandum in Support of Property Nexus Findings, filed March 21, 2005 (Doc. 140). The primary issue is whether the United States has established the required nexus between the property described in the First Superceding Indictment and the offenses for which the petit jury convicted Defendant Antonius Maria Heijnen. Based upon the record at the four-day trial held on March 7, 8, 9, and 10, 2005, the Court grants the United States' motion.

THE COURT HEREBY FINDS AS FOLLOWS:

1. Based upon the evidence in the record, the property named and involved in Counts Three, Four, Five and Six is subject to forfeiture under 18 U.S.C. § 982(a)(1).
2. The United States has established the requisite nexus between the property named and involved in Counts, Three, Four, Five and Six and the offense charged in each count.
3. The property named in Count Three, \$35,000, was involved in violation of 18 U.S.C. § 1956(a)(1)(A)(i) and 18 U.S.C. § 2.
4. The property involved in Count Three, \$35,000, constitutes the proceeds of wire

fraud.

5. The property named in Count Four, \$5,000 (in the form of a check), was involved in the violation of 18 U.S.C. § 1956(a)(1)(A)(i) and 18 U.S.C. § 2.

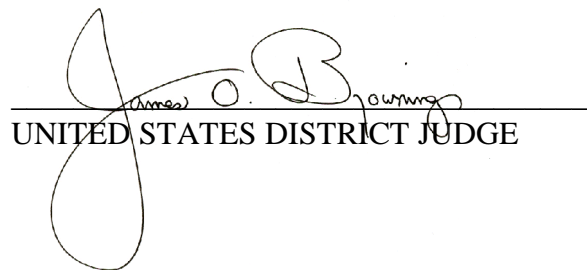
6. The property named in Count Four, \$5,000 (in the form of a check), constitutes the proceeds of wire fraud.

7. The property named in Count Five, \$6,000 (in the form of a check), was involved in the violation of 18 U.S.C. § 1956(a)(1)(A)(i) and 18 U.S.C. § 2.

8. The property involved in Count Five, \$6,000 (in the form of a check), constitutes the proceeds of wire fraud.

9. The property named and involved in Count Six, \$150,000, was criminally derived from wire fraud. As such, the \$150,000 constitutes the proceeds of wire fraud.

10. The property involved in Count Six, \$150,000, was involved in a monetary transaction by, through, or to financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, in violation of 18 U.S.C. § 1957 and 18 U.S.C. § 2.



UNITED STATES DISTRICT JUDGE

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